## **Introduced by Senator Battin**

January 24, 2007

An act to amend Section 87100 of add Section 83115.7 to the Government Code, relating to conflicts of interest the Political Reform Act of 1974.

## LEGISLATIVE COUNSEL'S DIGEST

SB 131, as amended, Battin. Political Reform Act of 1974: conflicts of interest. Fair Political Practices Commission.

The existing Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and related matters and creates the Fair Political Practices Commission to administer and enforce the act by, among other things, investigating alleged violations of the act and pursuing administrative remedies.

This bill would require the commission to keep communications regarding resolution of a violation confidential, except that a stipulated order approved by the commission may be made public. The bill would further provide that a violation of the confidentiality requirement by a member or employee of the commission would be a misdemeanor punishable, in addition to the prescribed penalty, by forfeiture of office or employment and disqualification in perpetuity from holding any office in the state.

By creating a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

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Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $^{2}$ /<sub>3</sub> vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Existing law provides that no public official, as specified, shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 83115.7 is added to the Government Code, 2 to read:
- 83115.7. (a) Any communications between the Commission and an alleged violator regarding resolution of a violation shall be treated by the Commission as confidential in nature and shall not be disclosed to a third party, except that a stipulated order approved by the Commission may be released to the public.
  - (b) A knowing and willful violation of this section by a member or employee of the Commission constitutes a misdemeanor, which shall be punishable, in addition to the prescribed penalty, by forfeiture of office or employment and disqualification in perpetuity from holding any office in the state.
  - SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of
- 19 the Government Code, or changes the definition of a crime within

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the meaning of Section 6 of Article XIIIB of the California 2 Constitution.

SEC. 3. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

SECTION 1. Section 87100 of the Government Code is amended to read:

87100. No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to

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